

**PLANNING BOARD  
RESOLUTION No. 2013-52**

**A RESOLUTION OF THE CITY OF KEY WEST  
PLANNING BOARD FOR VARIANCE  
APPROVAL FOR SIDE, STREET-SIDE AND  
REAR-YARD SETBACK REQUIREMENTS  
AND DETACHED HABITABLE SPACE FOR  
PROPERTY LOCATED AT 717 WHITE  
STREET (RE#00022780-000000, AK# 1023574) IN  
THE HISTORIC MEDIUM DENSITY  
RESIDENTIAL ZONING DISTRICT, PER  
SECTION 122-600 AND SECTION 122-1078 OF  
THE LAND DEVELOPMENT REGULATIONS  
OF THE CODE OF ORDINANCES OF THE  
CITY OF KEY WEST.**


**WHEREAS**, the existing structure has a legal non-conforming building coverage, front, side and rear-yard setbacks; and

**WHEREAS**, Section 122-600 of the Code of Ordinances provides that the minimum allowed side-yard setback is 5 feet, street-side setback is 7.5' and rear-yard setback is 15 feet; and

**WHEREAS**, the proposed side-yard setback is 4.5feet, street-side setback is 6 feet and rear-yard setback is 13.5' feet; and

**WHEREAS**, the applicant requested variances to these proposed non-conformities; and

**WHEREAS**, Section 122-1078 of the Code of Ordinances requires that all habitable space be

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accessible from the interior of the exterior walls; and

**WHEREAS**, the applicant requested a variance to detached habitable space; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on September 26, 2013; and

**WHEREAS**, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

**WHEREAS**, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

**WHEREAS**, the Planning Board finds that granting the variances requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

**WHEREAS**, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties



Chairman



Planning Director

in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

**WHEREAS**, the Planning Board finds that the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

**WHEREAS**, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

**WHEREAS**, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variances; and

**WHEREAS**, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variances application, and by addressing the objections expressed by those neighbors;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West,  
Florida:

 Chairman

 Planning Director

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** An approval by resolution of the Key West Planning Board for variances to allow the construction of a second floor on the principle structure and for detached habitable space per plans received June 13, 2013, for property located at 717 White Street (RE# 00022780-000000, AK 1023574) in the HMDR zoning district per Sections 122-600 b. c. & d. and 122-1078 of the Land Development Regulations of the Code of Ordinances of the City of Key West with the following condition:

The detached habitable structure shall not have cooking facilities, contain a commercial business nor be held out for rent.

**Section 3.** It is a condition of these variances that full, complete, and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

**Section 4.** The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which

 Chairman

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variances shall be of no force or effect.

**Section 5.** These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

**Section 6.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**Section 7.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 26th day of September, 2013.

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**Resolution Number 2013-52**

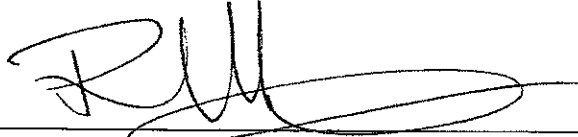


Chairman



Planning Director

Authenticated by the Chairman of the Planning Board and the Planning Director;



Richard Klitenick, Planning Board Chairman

10/15/2013  
Date

Attest:

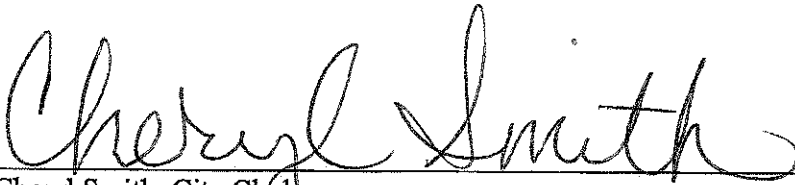


Donald Leland Craig, AICP, Planning Director

10-11-13

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

10-16-13

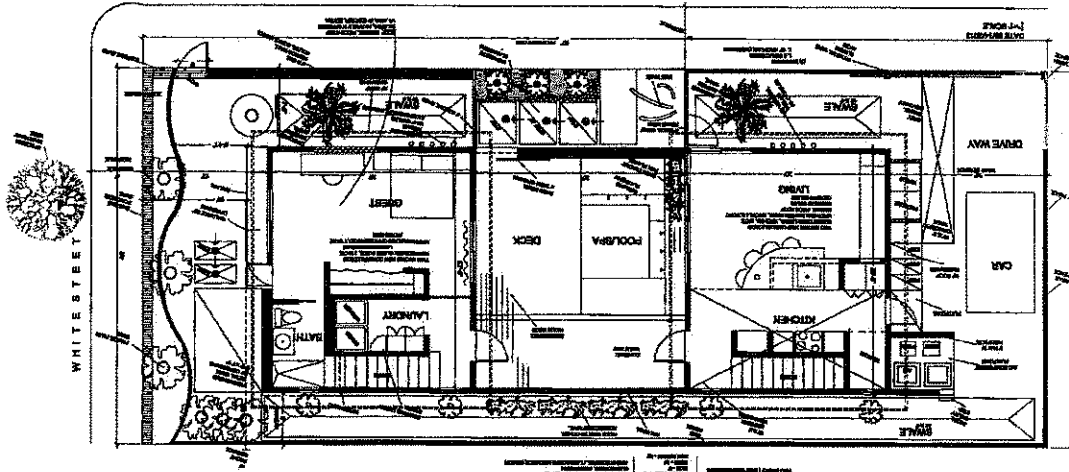
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Chairman

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Planning Director

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NEWTON STREET

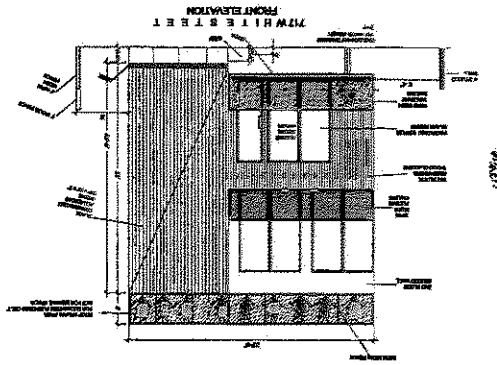


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NEWTON, MASSACHUSETTS 02459  
TEL: 617/552-1234  
FAX: 617/552-1234  
WWW: WWW.12WHITESTREET.COM

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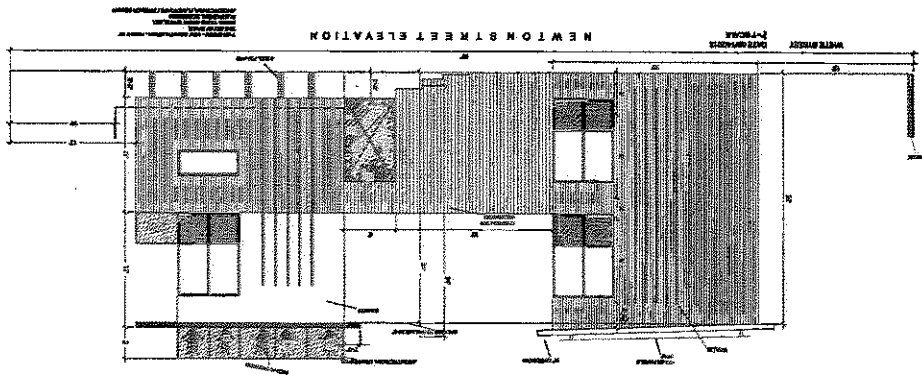
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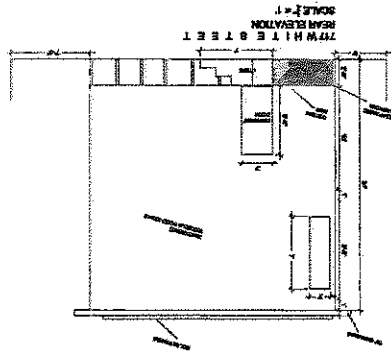
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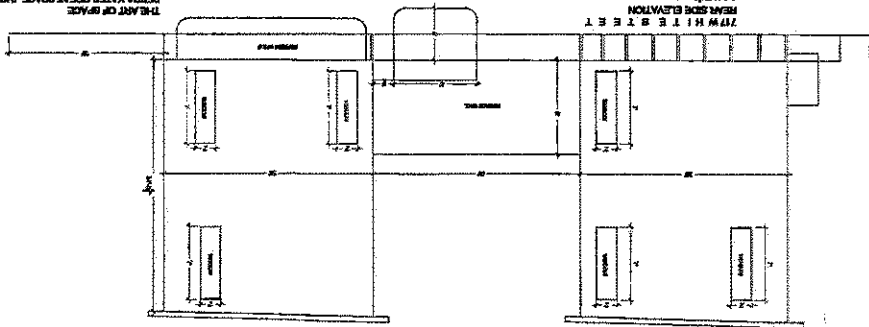
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SCALE 1/8" = 1'-0"  
MEASUREMENTS  
1/8" = 1'-0"



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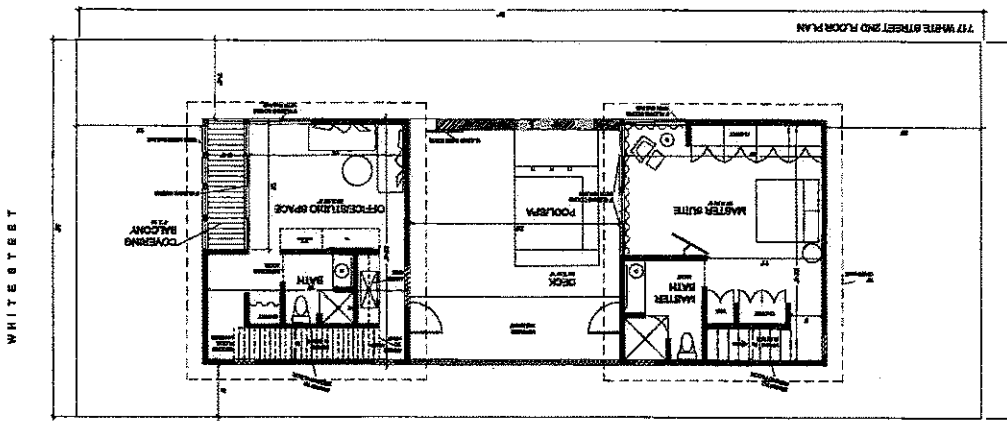
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NEWTON STREET

717 WHITE STREET 2ND FLOOR PLAN



WHITE STREET

10/1/13

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